

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT ("Agreement"), made this ____ day of _____, 2011, by and among SILVERWOOD/SHADY GROVE LLC (hereinafter referred to as "Silverwood"), and the MAYOR AND COUNCIL OF ROCKVILLE, a municipal corporation of the State of Maryland (hereinafter referred to as "Rockville") (collectively the "Parties").

WITNESSETH:

WHEREAS, Silverwood is the contract purchaser of the subject property consisting of two parcels, the first being recorded in Liber 12359 at Folio 477, known as Parcel A, Derwood, Reeds Addition, recorded as Plat Number 9337, and also referred to as Parcel N-193 on tax map GS 12 and the second part being recorded in Liber 3893 at Folio 289, and known as Parcel P-137 on tax map GS 12, situated in the northeast quadrant of the intersection of MD Route 355 and the entrance road to the Shady Grove Metro Station, consisting of 190,519 square feet or 4.37372 acres of land as more particularly identified on Exhibit "A" (the "Property"); and

WHEREAS, Silverwood is seeking annexation of the Property with the consent of the property owners, as evidenced by Exhibit "B", and

WHEREAS, the Property is currently located within the jurisdictional boundaries of Montgomery County, Maryland; and

WHEREAS, Silverwood has petitioned Rockville to annex the Property, pursuant to annexation petition ANX2010-00139 (the "Annexation Petition"); and

WHEREAS, the Property is contiguous to and adjoins the existing corporate boundaries of Rockville and is identified as an Urban Growth Area in the 2002 Approved and Adopted City of Rockville Comprehensive Master Plan; and

WHEREAS, there are no registered voters for county elections residing upon the Property; and

WHEREAS, pursuant to the provisions of Section 19(c) of Article 23A of the Annotated Code of Maryland, a resolution has been introduced to annex the Property; and

WHEREAS, public notices of the introduction of the resolution to annex the Property have been published not fewer than two (2) times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville in the area to be annexed, said notices specifying that a public hearing would be held by the Mayor and Council on said resolution at Rockville City Hall, on September 12, 2011, and

WHEREAS, on June 8, 2011, the Rockville Planning Commission held a public hearing on the Annexation Petition; and

WHEREAS, pursuant to the aforesaid notices, the Mayor and Council of Rockville conducted a public hearing on said resolution on September 12, 2011, at Rockville City Hall, consistent with the time and place provided for in said advertisement which hearing was not held less than fifteen (15) days after the last publication of the public notices referenced above; and

WHEREAS, at the conclusion of the September 12, 2011 public hearing, the Mayor and Council left the Record open until September 26, 2011, to permit interested parties additional time to provide additional comments or information relative to the aforementioned petition for annexation; and

WHEREAS, the annexation of the Property will promote Rockville's goal of annexation within Rockville's urban growth areas; and

WHEREAS, the Property is currently classified in the TOMX-2 Zone (transit-oriented mixed-use) under the zoning regulations of Montgomery County, Maryland; and

WHEREAS, on _____, 2011, the Mayor and Council of Rockville adopted Resolution _____ expanding the boundaries of the City to encompass the Property (the "Annexation Agreement") and on _____, 2011 adopted Ordinance No. _____ placing the Property within the MXTD (Mixed-use Transit District) Zone, which annexation and zoning shall take effect forty-five days following the approval of Resolution _____ in accordance with the provisions of Article 23A, Section 19 of the Annotated Code of Maryland.

WHEREAS, on June 7, 2011 Silverwood filed a Site Plan Application (Site Plan No. STP2011-00091 ("Site Plan")) for the development of 417 residential units on the Property (the "Project"), subject to the annexation of the Property, allowing for the development of the Project; and

WHEREAS, on July 19, 2011, the Montgomery County Council expressly approved the rezoning of the Property from TOMX-2 in Montgomery County to MXTD

in Rockville by adoption of Resolution No. 17-219 attached hereto as Exhibit "C"; (the "County Council Resolution"); and

WHEREAS, by letter dated August 2, 2011, attached hereto as Exhibit "D", the Montgomery County Public Schools determined that, in accordance with the County's development approval process, there is school capacity to accommodate the Project such that the Gaithersburg cluster of schools is not in moratorium per Montgomery County's schools test; and

WHEREAS, the Parties desire to execute this Annexation Agreement to establish the conditions under which the Property shall be annexed, rezoned and developed.

NOW, THEREFORE, in consideration of the foregoing recitals, each of which shall be deemed a part of this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties covenant and agree as follows:

1. Upon annexation of the Property into Rockville, the Property shall be classified in the MXTD Zone.

2. The Parties agree that upon annexation the Property shall be developed in accordance with the Site Plan to accommodate the residential development of the Property. The Parties agree that the residential use of the Property and the development of a building with no more than 417 residential units as set forth on the Site Plan represents the use and maximum density to which Silverwood is entitled to develop. Provided, however, that nothing herein shall prohibit the Planning Commission from

reviewing and imposing conditions on any aspect of the Site Plan, other than use and maximum density, as part of its approval of the Site Plan.

3. Fifteen percent (15%) of the total number of residential units shall be devoted to Moderately Priced Dwelling Units (“MPDUs”).

4. Subsequent to the Annexation and in connection with the approval of the Site Plan, Silverwood agrees to provide the following as set forth in the County Council Resolution: (1) adequate right-of-way for the Corridor Cities Transitway on the Property; (2) streetscaping on the Property; (3) a means to achieve the goals of Shady Grove Transportation Management District; and (4) notice to all prospective tenants of the property that the tenants are moving next to the County's Solid Waste Transfer facility and that the trash handling activities at the facility may produce odors, increase its truck traffic, and increase its noise generation in the future.

5. The Parties agree that in connection with the approval of the Site Plan, and in accordance with the City’s Adequate Public Facilities Standards and Resolution 15-11 adopted by the Mayor and Council on June 6, 2011, school capacity has been determined to be adequate by the Mayor and Council. Further, the Mayor and Council accepts the determination by Montgomery County Public Schools that the school cluster in which the proposed development is located will not be in moratorium with the added student generation from the proposed development for the purpose of satisfying the City’s APFS test for schools and also finds that: 1) the schools are located outside of the City; 2) less than 10 percent of the schools’ population at the time of annexation is comprised of

students residing within the City' and 3) this determination is made within one year prior to the effective date of the annexation.

6. Silverwood agrees to pay the School Facilities Payment determined applicable by Montgomery County Public Schools as indicated in Exhibit "D"

7. Rockville recognizes that the Property is identified to receive adequate public water and sewer treatment capacity from the Washington Suburban Sanitary Commission (hereinafter referred to as "WSSC") to serve the Project, as indicated by the WSSC letter dated April 12, 2011 attached hereto as Exhibit "E".

8. Nothing herein shall preclude Silverwood from seeking at any time, and from time to time in the future, subsequent amendments to the Site Plan in accordance with then applicable law. The approving authority is not bound by the limitation on use and/or maximum density provided herein when making its determination regarding a subsequent amendment. The Parties agree that any amendment to the Site Plan that modifies the approved use or density shall not require an amendment to this Agreement.

9. Rockville and Silverwood agree to execute any and all such documents and/or to take such actions necessary to carry out the terms and conditions of this Agreement.

10. This Agreement shall not become effective until the Annexation Resolution becomes effective pursuant to Article 23A, Section 19 of the Annotated Code of Maryland (hereinafter "Effective Date of Annexation"). At any time prior to the Effective Date of Annexation, Silverwood may petition for a referendum on the Annexation in accordance with Section 19(f) of Article 23A of the Annotated Code of

Maryland, the result of which shall be to suspend the effectiveness of the Annexation resolution.

11. This Agreement does not preclude any other use allowed by the Zoning Ordinance in the MXTD zone as long the required site plan, site plan amendment, or special exception applications are approved.

12. All reconstruction and redevelopment must comply with the current development standards and all other relevant code sections of the City Code.

13. This Agreement shall be assignable, in whole or in part, by Silverwood, without the consent of Rockville, any of its elected officials, employees or agents.

14. The provisions of this Agreement are and shall be deemed to be covenants running with the land and shall be binding upon Silverwood and their respective successors and assigns with an interest in the Property. The obligations and liabilities of Silverwood shall apply only during the period that Silverwood is the fee simple owner of the Property and at the time of conveyance of the Property. Silverwood automatically shall be relieved of any and all obligations and liabilities under and pursuant to this Agreement, and the recipient pursuant to such conveyance of Silverwood's interest automatically shall assume all of Silverwood's obligations and liabilities pursuant to this Agreement, unless specifically provided otherwise in the instrument of conveyance.

15. Subject to the provisions of Paragraph 10 above, this Agreement shall be binding upon and inure to the benefit of the respective heirs, personal representatives, successors and assigns of the parties hereto.

16. This Agreement shall be amended only in writing, signed by (or on behalf of) the parties hereto.

17. This Agreement shall be recorded in the Land Records of Montgomery County.

18. The Recitals and Exhibits set forth above are hereby incorporated by reference and made a part of this Agreement.

IN WITNESS WHEREOF, each of the parties hereto has executed and delivered this Annexation Agreement as of the date first set forth above, as evidenced by their respective signatures and acknowledgements on the following pages.

[SIGNATURE PAGES FOLLOW]

ATTEST

MAYOR AND COUNCIL OF
ROCKVILLE

By _____
Scott Ullery, City Manager

STATE OF MARYLAND
COUNTY OF MONTGOMERY

I hereby certify that on this ____ day of ____, 2011, before me, a Notary Public in and for the State and County aforesaid, personally appeared Scott Ullery, who acknowledged himself to be the City Manager of the Mayor and Council of Rockville, a municipal corporation, and that he, as City Manager, being authorized to do so, executed the foregoing instrument on behalf of the corporation for the purposes therein contained, and acknowledged the same to be the act and deed of the corporation, by signing the name of the Mayor and Council of Rockville by himself as City Manager.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Notary Public

My commission expires:

ATTEST

SILVERWOOD/SHADY GROVE, L.L.C.

By: _____

STATE OF MARYLAND
COUNTY OF MONTGOMERY

I hereby certify that on this ____ day of ____, 2011, before me, a Notary Public in and for the State and County aforesaid, personally appeared _____, who acknowledged himself to be _____, a limited liability corporation, and that he, as _____, being authorized to do so, executed the foregoing instrument on behalf of the limited liability corporation for the purposes therein contained, and acknowledged the same to be the act and deed of the corporation, by signing the name of _____.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Notary Public

My commission expires:

EXHIBIT "A"

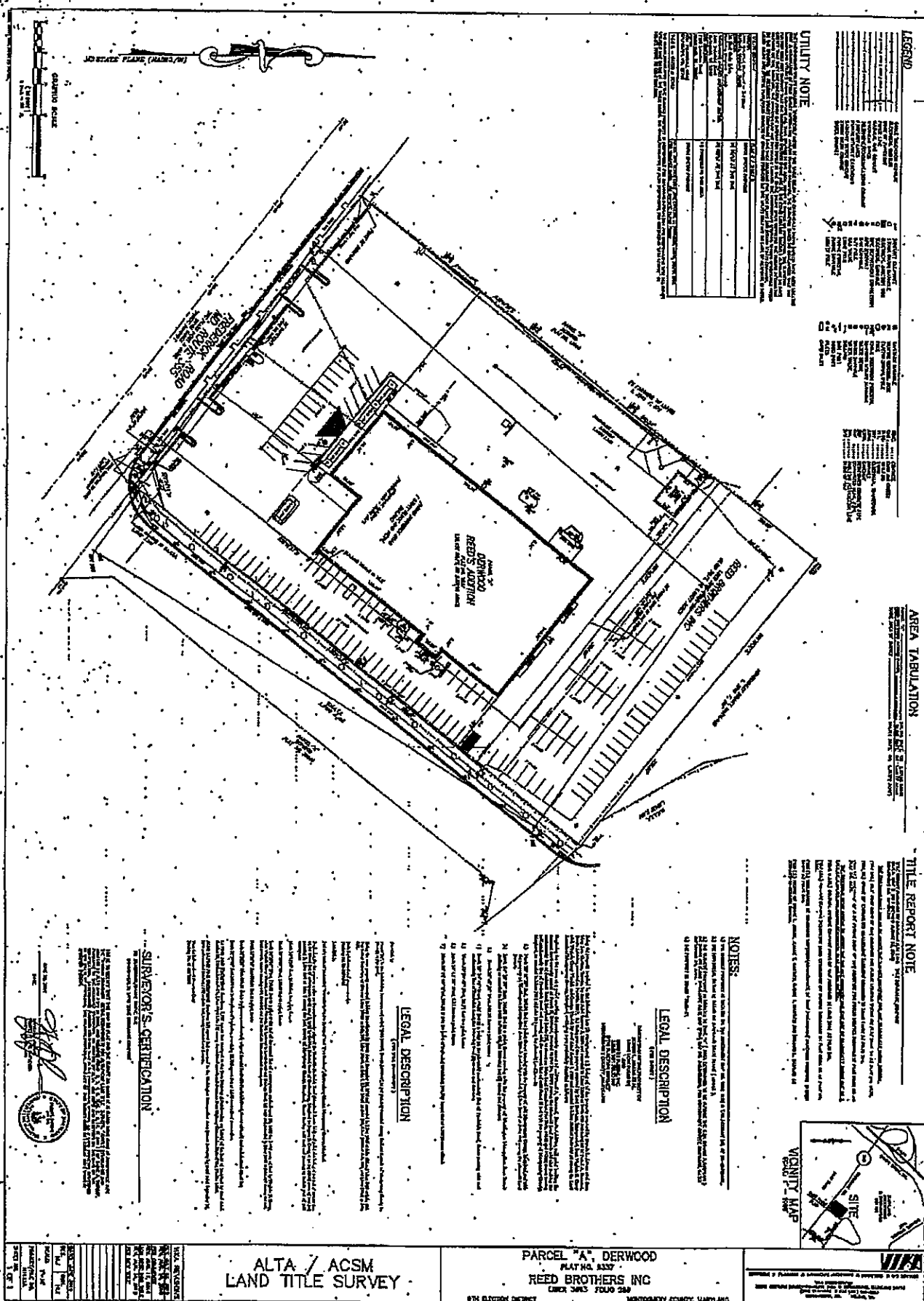


EXHIBIT "B"

SILVERWOOD

October 12, 2010

Reed Brothers Inc.
Mary J. Gartner, Trustee
C/O Mr. Bruce Winston
Fraser Forbes
6862 Elm St., Suite 820
McLean, VA 22101

RE: Agreement of Purchase and Sale
Parcel P137 and Parcel N193 containing a total of 4.37 acres in Rockville, MD
15955 Frederick Road, Rockville, MD 20855

Dear Bruce:

This letter of authorization pertains to an annexation application to be submitted by Silverwood Investments, LLC to the City of Rockville, Md for annexation of the above referenced property into the City of Rockville, MD and as referenced in the Agreement of Purchase and Sale between the Seller and Purchaser, Silverwood/Shady Grove, LLC.

With their signatures below, Seller hereby authorizes Purchaser and representatives of Purchaser to file an annexation application with the City of Rockville, Md. Purchaser and Seller agree that this annexation application will be approved only upon approval of the Purchaser's plans for a multifamily development on this property. In the event Purchaser's plans for this development are not approved, the annexation application may be withdrawn at no cost or expense to Seller. Purchaser will keep Seller informed of any progress in this process on a weekly basis.

All terms and conditions of the Agreement of Purchase and Sale between the Seller as noted above and the Purchaser, Silverwood/Shady Grove LLC shall remain in full force and effect.

Seller has executed this Letter of Authorization effective as of the date first set forth above.

SELLER:

Reed Brothers Inc., a Maryland limited liability company

By:

Barry Gartner

Name:

Barry Gartner

Date:

10-13-2010

SELLER:

1925 Isaac Newton Square, East
Suite 110
Reston, VA 20190
703-674-3176

Rick@silverwoodinvestments.com

SILVERWOOD

Mary J. Gartner, Trustee

By: MARY JANE GARTNER

Name: Mary Jane Gartner

Date: October 13, 2010

1925 Isaac Newton Square, East
Suite 110
Reston, VA 20190
703-674-3176
Rick@silverwoodinvestments.com

EXHIBIT "C"

County Council Resolution

Clerk's Note: Petition number has been corrected.

CORRECTED

Resolution No.:	17-219
Introduced:	July 12, 2011
Adopted:	July 19, 2011

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Approval of the City of Rockville's request to reclassify the Reed Brothers Property located at the northeastern quadrant of Frederick Road (MD355) and King Farm Boulevard/Metro Access Road in the Shady Grove Sector Plan area; reclassification from the County's Transit Oriented Mixed Use (TOMX-2) zone to the City's Mixed Use Transit District (MXTD) zone (Annexation Petition ANX2010-00139)

Background

1. Article 23A, Section 9(c) of the Annotated Code of Maryland provides that no municipality annexing land may, for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted master plan without express approval of the County Council.
2. The Reed Brothers Property is within the Maximum Expansion Limits of the City of Rockville.
3. The City of Rockville is proposing to annex approximately 4.37 acres of land located at the northeastern quadrant of Frederick Road (MD355) and King Farm Boulevard/Metro Access Road. The site is currently classified in the TOMX-2 zone in Montgomery County. The zone requires conformance with the numeric limits in the applicable Sector Plan, including floor area ratio and the number of dwelling units allowed per acre. The Shady Grove Sector Plan is the applicable sector plan.
4. The Shady Grove Sector Plan limits the floor area ratio to .75 for non-residential uses and would not allow any dwelling units per acre. The Plan did not recommend residential development due to the site's proximity to the County's solid waste transfer station.

5. Under the annexation proposal, the Reed Brothers property would be reclassified to the City's MXTD (Mixed Use Transit District) zone, which allows a mix of residential and commercial uses. Development of the site is proposed to consist of 417 residential dwelling units and 5,000 square feet of retail space. The property owner proposes structured parking to accommodate the uses. The proposed floor area ratio would be 2.3 with 95 dwelling units per acre; both numeric limits are substantially different than allowed by County zoning. The rezoning would constitute a land use and density for the property substantially different than that specified for the property in the Shady Grove Area Master Plan and therefore the express approval of the County Council is required to dispense with the current zoning limitations on the property.
6. On June 16, 2011, the Montgomery County Planning Board voted (3-1) to recommend that the Council not approve the City's request to reclassify the site to the City's MXTD (Mixed Use Transit District) zone. The Board's recommendation was consistent with the recommendations of the June 9, 2011 Planning Staff report and the recommendation of the County Executive.
7. On July 11, 2011, the Planning, Housing, and Economic Development Committee reviewed the annexation petition and indicated opposition to the requested reclassification because it would increase residential units near the Solid Waste Transfer Facility.
8. On July 19, 2011, the County Council reviewed Annexation Petition ANX2010-00139 and disagreed with the recommendations of the Planning, Housing, and Economic Development Committee. The Council found that the Shady Grove Sector Plan recommendations did not fully account for the flawless operation of the Solid Waste Transfer Facility. In addition, the environmental and social benefits of more housing near a Metrorail station, particularly more affordable housing, outweigh the speculative problems of more housing near the Solid Waste Transfer Facility.

Action

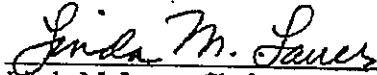
The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

In accordance with the provisions of Article 23A Section 9(c) of the Annotated Code of Maryland, the District Council approves the reclassification by the City of Rockville of the Reed Brothers Property from the County's Transit Oriented Mixed Use (TOMX-2) zone to the City's Mixed Use Transit District (MXTD) zone as proposed in Annexation Application 2010-00139.

The District Council recommends that the Mayor and Council of Rockville require the development of the Reed Brothers Property to provide:

- 1) adequate right-of-way for the Corridor Cities Transitway on the property;
- 2) streetscaping on the property;
- 3) a means to achieve the goals of the Shady Grove Transportation Management District; and
- 4) notice to all prospective tenants of the property that the tenants are moving next to the County's Solid Waste Transfer Facility and that the trash handling activities at the Facility may produce odors, increase its truck traffic, and increase its noise generation in the future.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

EXHIBIT "D"

Montgomery County Public Schools
Letter dated August 2, 2011



DIVISION OF LONG-RANGE PLANNING
Montgomery County Public Schools

2096 Gaither Road, Suite 201, Rockville, MD 20850 • 240-314-4700 • (FAX) 240-314-4707

August 29, 2011

Mr. Jeremy Hurlbutt, Planner
 City of Rockville
 111 Maryland Avenue
 Rockville, Maryland 20850

Dear Mr. Hurlbutt:

This letter is being sent in response to your request for information concerning the “school test” portion of the County’s Subdivision Staging Policy, as it pertains to the Gaithersburg Cluster of schools. This request comes about in connection with the annexation of the Reed Brothers property into the City of Rockville, and your need for a determination that, under the County “school test,” capacity is adequate in the school cluster where the Reed Brothers property is located.

The Reed Brothers property, and current car dealership, is located within the service areas of Washington Grove Elementary School, Forest Oak Middle School, and Gaithersburg High School. These schools are part of the Gaithersburg Cluster. In addition, these schools are located outside the City of Rockville and less than 10 percent of their enrollments come from students residing in the City of Rockville. Development of the Reed Brothers property would result in 417 residential units in building of 5 and 6 stories, with structure parking. Based on comparable types of development in the county, I estimate that this development would generate approximately 18 elementary school students, 16 middle school students, and 14 high school students.

The current FY 2012 Subdivision Staging Policy school test finds that elementary school utilization in the Gaithersburg cluster—at 105.6 percent—is below the threshold for moratorium (below 120 percent) but above the threshold for the school facility payment (above 105 percent.) This means that subdivision approvals are allowed, but a school facility payment must be made to obtain building permits. At the middle and high school levels utilization levels are below the school facility payment level (below 105 percent), so that no conditions are placed on subdivision approvals based on these two school levels.

The additional students that would be added by development of the Reed Brothers property would not increase enrollment at the assigned schools to such a degree that the 120 percent threshold would be exceeded. Therefore, the impact of future development of the Reed Brothers property is not of sufficient magnitude to result in a residential moratorium under the County’s Subdivision Staging Policy school test.

In summary, under the County’s Subdivision Staging Policy, the Gaithersburg Cluster is open to subdivision approvals—even if you add in the impact of the planned 417 residential units at the Reed Brothers property. The only condition of approvals is that developers make a school facility payment to respond to the cluster’s elementary school utilization exceeding the 105 percent threshold. Please let me know if I can be of further assistance.

Sincerely,

Bruce H. Crispell, Director
 Division of Long-range Planning

EXHIBIT 'E'

Washington Suburban Sanitary Commission
Letter dated April 12, 2011

#10437677_v1



Washington Suburban Sanitary Commission

14601 Sweltzer Lane • Laurel, Maryland 20707-5901

COMMISSIONERS
Antonio L. Jones, Chair
Dr. Roscoe M. Moore, Jr., Vice Chair
Prem P. Agarwal
Gene W. Counihan
Hon. Adrienne A. Mandel
Joyce Starks

GENERAL MANAGER
Jerry N. Johnson

April 12, 2011

Mr. Mark Silverwood
Silverwood/Shady Grove, LLC
1925 Issac Newton Square B110
Reston, VA 20190

Re: Phase I Letter of Findings, WSSC Project No. DA5245Z11, Reed Brothers

Dear Mr. Silverwood:

A hydraulic planning analysis has been completed on the Reed Brothers project. The project has been conceptually approved. Please refer to the enclosed 200'-scale sketch along with the summary table and list of conditions included in this letter, which provide the results of our analysis.

HYDRAULIC SUMMARY TABLE	
Proposed Development: 417 Units Apartment, 5,000 square feet of Retail	
200'-Scale Sheet: 221NW08	
SEWER	WATER
WWTP Service Area: Blue Plains	Hydraulic Zone Group: Montgomery High
Mini-Basin Number: 16-997	Pressure Zone: 660A
	High Grade: 685 feet
	Low Grade: 621 feet

The following is a list of conditions that apply to this project and must be met before a Service Connection Permit will be issued.

SANITARY SEWER CONDITIONS

SEWER AVAILABLE

An existing 8-inch sanitary sewer main (Contract Number: 704160A) along Frederick Road (MD Route 355) is available to provide service to this project. Sanitary sewer service may be obtained by constructing service connections without a public extension. Please refer to the "ON-SITE PROCESS REQUIRED" below.

Mr. Mark Silverwood
Silverwood/Shady Grove, LLC
RE: DA5245Z11
April 12, 2011
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WATER MAIN EXTENSION CONDITIONS

WATER AVAILABLE

An existing 16-inch water main (Contract Number: 704160A) along Frederick Road (MD Route 355) is available to provide service to this project. Water service may be obtained by constructing service connections without a public extension. Please refer to the "ON-SITE PROCESS REQUIRED" below.

PRESSURE REDUCING VALVES REQUIRED

Due to high water pressure conditions (greater than 80 psi), the on-site plumbing system requires pressure reducing valves for all buildings.

OUTSIDE METERS

Any residential water service over 300 feet in length will require an outside meter. Any commercial water service connections, built to serve a standard or minor site utility (on-site) system over 80 feet in length will require an outside meter. Exceptions will be considered for existing properties / complexes currently served by inside meters where replacements or new service is required.

RIGHT-OF-WAY CONDITIONS

COORDINATION WITH OTHER BURIED UTILITIES

Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at the design plan review phase. Refer to WSSC Pipeline Design Manual Part Three, Section 3. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including impacts to proposed street and building layouts.

The applicant must provide a separate "Utility Plan" to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way. Upon completion of the site construction, any utilities that are found to be located within WSSC's rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicant's expense.

Mr. Mark Silverwood
Silverwood/Shady Grove, LLC
RE: DA5245Z11
April 12, 2011
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PROVIDE FREE RIGHT-OF-WAY TO WSSC

Rights-of-way across your property for water and sewer line placement must be provided at no cost to the WSSC. The Applicant shall execute and deliver on-property rights-of-way prior to the Certificate of Substantial Completion, which shall constitute an irrevocable offer by the Applicant to convey all on-property rights-of-way to WSSC.

PROVIDE ADDITIONAL RIGHT-OF-WAY TO WSSC

Additional right-of-way may be required to adequately maintain an existing main. The additional right-of-way must be provided at no cost to WSSC.

ADHERE TO MINIMUM RIGHT-OF-WAY WIDTHS

The minimum right-of-way width for a normal (14 inches diameter or less) extension, either water or sewer, installed at normal depth is 20 feet. A minimum right-of-way width of 30 feet is required when both normal-diameter water and gravity sewer lines are installed in the same right-of-way at normal depth. Installation of deep or large water and/or sewer mains will require additional right-of-way width. The minimum horizontal clearance between a building and the outside diameter of a WSSC pipeline is 15 feet. Based on WSSC requirements, the minimum spacing between adjacent buildings with both water and sewer lines between them should be at least 40 feet and, in some cases, greater when connections, fire hydrants, or deep sewer or water lines are involved. Balconies and other building appurtenances are not to be within the right-of-way. Additionally, water and sewer pipeline alignment should maintain 5 feet horizontal clearance from storm drain pipeline/structures and other utilities.

CONNECTION AND ON-SITE CONDITIONS

ABANDON EXISTING SERVICE CONNECTION

The existing water and sewer connections to the existing building located in 15955 Frederick Road must be abandoned and reconnected to the existing 16-inch main along the Frederick Road. The developer must absorb the abandonment cost. If the connection is being carried on tax bill as deferred, the connection must be paid in full.

SYSTEM DEVELOPMENT CHARGE (SDC) FIXTURE CREDIT

Fixtures verified by WSSC inspection prior to removal may result in credits toward SDC in a replacement structure. To obtain more information about SDC fixture credit, contact our Permits Services Unit at 301-206-4003.

Mr. Mark Silverwood
Silverwood/Shady Grove, LLC
RE: DA5245Z11
April 12, 2011
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MINIMIZE CONNECTION LENGTHS

The length of all connections should be minimized.

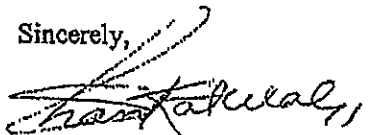
ON-SITE PROCESS REQUIRED

The on-site process is usually required for water lines greater than 2 inches in diameter or sewer lines greater than 4 inches. Please submit on-site information to the WSSC Permit Services Unit at the One-Stop-Shop. Contact Permit Services at 301-206-4003 or at www.wsscwater.com for more information on submitting on-site plans.

The next step in the process is Onsite Plan Review. See "Onsite Process Required," above.

If you have any questions or concerns, please feel free to contact me at 301-206-7202 or skatwal@wsscwater.com.

Sincerely,



Shanta Katwal, P.E.
Senior Hydraulic Engineer
Development Services Group



David Shen, P.E.
Development Planning Unit Coordinator
Development Services Group

Enclosure

cc: ✓ VIKI Inc. – Mr. Sunil Patel
Montgomery County Government – Department of Environmental Protection –
Mr. Alan Soukup